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May 21, 2012

**VIA FAX**

Honorable Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, New York 10007

Re: *Gucci America, Inc. v. Guess?, Inc., et al.*  
Case No. 09 Civ. 4373 (SAS)

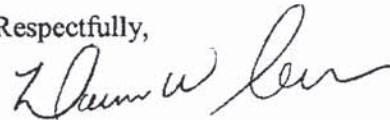
Dear Judge Scheindlin:

We are writing to apprise the Court that in calculating the profits of MFF as to which the Court determined Gucci was entitled, it appears that the Court inadvertently used the profits number for the total SKUs of footwear that remained at issue (\$1,912,098.60, see the Court's Finding of Fact No. 122) instead of the profits figure based on the SKUs found to be infringing (\$435,115.38, see FF 123). In comparing FF 123 with CL 95, it appears that the Court intended to use the latter profits figure.

MFF's expert Ronald Vollmar prepared a spreadsheet this evening in which he added the profit numbers by SKU that he provided to the Court on May 9, 2012 for those SKUs in Appendix B to the Court's opinion. This figure equals \$419,890 (rounded). Mr. Vollmar's spreadsheet is attached.

We are prepared to address this matter further with the Court at the soonest convenient time.

Respectfully,



Darren W. Saunders

cc: Louis Ederer, Esq. (Via Electronic Mail)  
Robert Welsh, Esq. (Via Electronic Mail)

**Marc Fisher LLC**  
**2005 - 2009 Profit Analysis of Accused Products**  
**(By SKU)**

| No.  | Division | SKU                         | Mark                     | Total Units Sold | Total Net Sales | 2005 - 2009 Adjusted Net Profit |
|------|----------|-----------------------------|--------------------------|------------------|-----------------|---------------------------------|
| 2    | Mens     | Craig2 NAMFB                | Quattro G with G         | 4,480            | 138,271         | 14,789                          |
| 4    | Mens     | Cyrus NAMFB                 | Quattro G with G         | 2,422            | 57,353          | 6,903                           |
| 5    | Mens     | Dennis2 NAMFB               | Striped                  | 2,448            | 77,485          | 9,471                           |
| 5.A  |          | From Jan. 2005 to Mar. 2009 |                          | 2,448            | 77,485          | 9,471                           |
| 5.B  |          | From Apr. 2009 to Dec. 2009 |                          | -                | -               | -                               |
| 6    | Mens     | Dewayne BRMLE <sup>1</sup>  | Striped/Quattro G with G | 1,846            | 54,938          | 6,109                           |
| 6.A  |          | From Jan. 2005 to Mar. 2009 |                          | 1,648            | 50,963          | 5,682                           |
| 6.B  |          | From Apr. 2009 to Dec. 2009 |                          | 198              | 3,975           | 427                             |
| 7    | Mens     | Donte2 BRMLE                | Quattro G with G         | 6,760            | 222,325         | 25,242                          |
| 8    | Mens     | Farley BRMLE                | Quattro G with G         | 1,300            | 43,553          | 4,770                           |
| 9    | Mens     | Farley MBRLE                | Quattro G with G         | 1,020            | 19,517          | 1,692                           |
| 10   | Mens     | Jaylay2 NAMFB               | Quattro G with G         | 4,910            | 71,206          | 6,301                           |
| 11   | Mens     | Jerry2 NAMFB                | Quattro G with G         | 4,338            | 102,877         | 11,858                          |
| 12   | Mens     | Jerry2-UG NAMFB             | Quattro G with G         | 612              | 14,708          | 1,703                           |
| 13   | Mens     | Johnson NAMFB <sup>1</sup>  | Striped/Quattro G with G | 287              | 7,292           | 862                             |
| 13.A |          | From Jan. 2005 to Mar. 2009 |                          | 273              | 6,931           | 819                             |
| 13.B |          | From Apr. 2009 to Dec. 2009 |                          | 14               | 361             | 43                              |
| 14   | Mens     | Johnson2 BRMF <sup>1</sup>  | Striped/Quattro G with G | 10               | 275             | 34                              |
| 15   | Mens     | Kaloon BRMF                 | Quattro G with G         | 2,478            | 73,959          | 9,165                           |
| 16   | Mens     | Macario BRMLE <sup>1</sup>  | Striped/Quattro G with G | 2,640            | 75,157          | 9,191                           |
| 18   | Mens     | Melrose DBRLE <sup>1</sup>  | Striped/Quattro G with G | 4,821            | 163,557         | 18,878                          |
| 18.A |          | From Jan. 2005 to Mar. 2009 |                          | 3,679            | 134,482         | 15,443                          |
| 18.B |          | From Apr. 2009 to Dec. 2009 |                          | 1,142            | 29,075          | 3,435                           |
| 20   | Mens     | Melrose2 NAMFB <sup>1</sup> | Striped/Quattro G with G | 20,489           | 670,473         | 79,997                          |

| No.  | Division | SKU                         | Mark                     | Total Units Sold | Total Net Sales | 2005 - 2009 Adjusted Net Profit |
|------|----------|-----------------------------|--------------------------|------------------|-----------------|---------------------------------|
| 21   | Mens     | Melrose4 NAMFB              | Quattro G with G         | 2,525            | 81,042          | 8,770                           |
| 22   | Mens     | Mette BRMFB <sup>1</sup>    | Striped/Quattro G with G | 2,926            | 106,285         | 12,439                          |
| 22.A |          | From Jan. 2005 to Mar. 2009 |                          | 2,645            | 95,971          | 11,096                          |
| 22.B |          | From Apr. 2009 to Dec. 2009 |                          | 281              | 10,314          | 1,343                           |
| 23   | Mens     | Orion BRMFB                 | Quattro G with G         | 1,171            | 35,676          | 3,974                           |
| 24   | Mens     | Pacific BRMLE               | Quattro G with G         | 818              | 27,028          | 3,436                           |
| 26   | Mens     | Phyre2 NAMFB                | Quattro G with G         | 2,551            | 98,459          | 11,183                          |
| 27   | Mens     | Player2 BRMFB               | Quattro G with G         | 588              | 16,347          | 1,689                           |
| 28   | Mens     | Rogan BRMFB                 | Quattro G with G         | 5,438            | 148,485         | 15,240                          |
| 29   | Mens     | Silas2 BRMFB                | Quattro G with G         | 4,936            | 71,834          | 5,022                           |
| 30   | Mens     | Turbow NAMFB <sup>1</sup>   | Striped/Quattro G with G | 3,333            | 59,343          | 6,010                           |
| 30.A |          | From Jan. 2005 to Mar. 2009 |                          | 1,225            | 21,815          | 2,209                           |
| 30.B |          | From Apr. 2009 to Dec. 2009 |                          | 2,108            | 37,528          | 3,801                           |
| 31   | Mens     | Twister NAMFB               | Striped                  | 7,264            | 92,098          | 7,235                           |
| 32   | Mens     | Vieno2 BRMFB                | Quattro G with G         | 2,543            | 78,539          | 9,821                           |
| 35   | Womens   | Adeline BLMPA               | Quattro G with G         | 2,004            | 58,666          | 10,287                          |
| 36   | Womens   | Adeline BRMPA               | Quattro G with G         | 1,008            | 30,397          | 5,419                           |
| 41   | Womens   | Arabella2 NAMFB             | Quattro G with G         | 810              | 22,149          | 3,570                           |
| 45   | Womens   | Blair2 BRMFB                | Quattro G with G         | 1,710            | 50,474          | 8,190                           |
| 54   | Womens   | Effort BRMLE                | Quattro G with G         | 2,001            | 64,359          | 7,968                           |
| 71   | Womens   | Gratiffa BRMFB              | Quattro G with G         | 4,812            | 107,351         | 12,525                          |
| 72   | Womens   | Gratiffa NAMFB              | Quattro G with G         | 1,533            | 32,073          | 3,692                           |
| 73   | Womens   | Hao BRMFB                   | Quattro G with Hearts    | 24               | 622             | 74                              |
| 83   | Womens   | Ireland BRMFB               | Quattro G with Hearts    | 36               | 878             | 104                             |
| 103  | Womens   | Jerica NAMFB                | Quattro G with G         | 3,495            | 87,999          | 10,739                          |
| 112  | Womens   | Kessie DBRFB                | Quattro G with G         | 1,860            | 47,743          | 7,648                           |
| 113  | Womens   | Kessie LBRFB                | Quattro G with G         | 1,266            | 32,212          | 5,155                           |
| 125  | Womens   | Looly DBRFB                 | Quattro G with G         | 2,232            | 53,818          | 8,566                           |
| 126  | Womens   | Looly LBRFB                 | Quattro G with G         | 1,836            | 45,949          | 7,342                           |
| 140  | Womens   | Pastrana BRMFB              | Quattro G with G         | 3,138            | 107,543         | 17,651                          |

| No.          | Division | SKU          | Mark                  | Total Units Sold  | Total Net Sales     | 2005 - 2009 Adjusted Net Profit |
|--------------|----------|--------------|-----------------------|-------------------|---------------------|---------------------------------|
| 164          | Womens   | Tripod NAMFB | Quattro G with Hearts | 6,393             | 130,341             | 19,176                          |
| <b>Total</b> |          |              |                       | <b>\$ 129,112</b> | <b>\$ 3,480,657</b> | <b>\$ 419,890</b>               |